

# Hawaii State Association of Counties

Counties of Kauai, Maui and Hawaii, City & County of Honolulu



## MINUTES HSAC EXECUTIVE COMMITTEE MEETING September 11, 2012 Honolulu Hale, Council Committee Room Honolulu, Hawaii

### I. CALL TO ORDER

The HSAC Executive Committee was called to order by President Mel Rapozo at 10:01 a.m. The following members comprised a quorum:

County of Kauai:	President Mel Rapozo
County of Hawaii:	Vice President K. Angel Pilago
City and County of Honolulu:	Secretary Stanley Chang
County of Maui:	Treasurer Joseph Pontanilla
Others Present:	Honolulu Councilmember Nestor Garcia Honolulu staff Naomi Cardona Honolulu staff Kimberly Ribellia Honolulu staff Steve Uyeno Honolulu staff Denisse Gee Kauai staff Ashley Bunda Maui staff Kirsten Hamman  Denise Snyder, Label It Hawaii

### II. APPROVAL OF AGENDA

The Committee approved the agenda with an amendment to add two new items to New Business upon the request of Vice President Pilago:

1. A Bill for an Act relating to food labeling; and
2. Concurrent Resolution requesting the state of Hawaii Chief Elections Officer and Election Commission to establish a



mechanism to monitor the Counties' readiness to conduct an election and to intervene if necessary.

### III. MINUTES

The Committee approved the minutes of the August 31, 2012, Executive Committee meeting.

### IV. REPORTS

#### A. Treasurer's Reports.

The following item was approved by the Executive Committee:

1. Treasurer's Report for August 2012, as submitted by the HSAC Treasurer.

#### B. County Reports

1. Maui County Report. Treasurer Pontanilla reported that the Council has completed seven of the nine chapters of the Maui Island Plan. He stated that the Council also first read ordinances relating to light, medium and heavy industrial uses.
2. Hawaii County Report. Vice President Pilago reported that the Council is preparing a narrative report of the HSAC annual meeting held in June to submit to the Committee and processing meeting revenues of approximately \$19K revenue to transfer to the HSAC treasury. He reported that "Hawaii Pack and Paddle," a Hawaii county-based tour company, is being sued by the family of Tyler Madoff, the teenager who died while kayaking near Kealahou Bay. He stated that the Council believes that this lawsuit will have ramifications on the regulation and monitoring of kayak tour companies in all four Counties. He concluded by apprising the Committee that the County and specifically, County Clerk Jamae Kawauchi and Council Chair Dominic Yagong are being sued by County Elections Division administrator Pat Nakamoto and senior elections clerk Shyla Ayau for defamation, invasion of privacy and emotional distress.
3. City and County of Honolulu Report. Secretary Chang reported that the Council will be taking action at its next meeting on the following measures: 1) Eliminating recycling fee discounts to restore bus routes that have been cut or reduced by the administration; and 2) Urging Hawaii's congressional delegation to address campaign spending issues by proposing amendments to

clarify that corporations are not people with constitutional rights and that unlimited campaign spending is not free speech. He concluded by apprising the Committee that despite the recent Hawaii state Supreme Court ruling, HART continues to conduct its archaeological inventory survey and appears to be proceeding full speed ahead.

4. Kauai County Report. President Rapozo reported that Councilmember KipuKai Kualii is planning to introduce a resolution urging the state legislature to repeal the Public Lands Development Corporation (PLDC) primarily because the PLDC circumvents the Counties' zoning and permitting powers. He stated that he does not support the repeal of the PLDC but would support amending PLDC statutes to require that PLDC projects conform to County zoning and permitting ordinances and policies.
- C. NACo Report. Treasurer Pontanilla reported that NACo 2<sup>nd</sup> Vice President Maui Councilmember G. Riki Hokama went to the Democratic National Convention.
- D. WIR Report. Vice President Pilago reported that he will not be attending the upcoming WIR conference being held on October 3 – 5 in Kodiak, Alaska because he is retiring in November. He offered to coordinate with the designated WIR alternate. Treasurer Pontanilla expressed interest in serving as Vice President Pilago's alternate at the WIR conference, if designated by the Committee.

## V. UNFINISHED BUSINESS

- A. Communication from Hawaii County Vice Chair K. Angel Pilago transmitting for the Committee's approval proposals to be included in the 2013 HSAC legislative package, as follows:
  1. A Bill for an Act relating to agricultural product branding and country or region of origin labeling.

Vice President Pilago informed the Committee that the genesis of this proposal stemmed from concerns that Hawaii County has with its Kona coffee product being blended with foreign-grown coffee and then labeled as "Kona coffee" for purchase.

This item was approved.
  2. A Bill for an Act relating to the definition of indigent and partially indigent.

Vice President Pilago explained that this proposal defines "indigent" and "partially indigent" to determine whether individuals are eligible to use the legal services of the Public Defenders office. He stated that this proposal addresses the concerns that the Committee expressed the last time this subject topic was considered to be a part of a past HSAC legislative package. In response to a query, he stated that the Committee had concerns about the practical application of the prior proposal's language. He informed the Committee that this year's proposal provides clearer instructions.

This item was approved.

3. A Bill for an Act relating to gallonage tax on liquor.

Vice President Pilago explained that this proposal increases the gallonage tax on liquor and earmarks this revenue stream for police, fire and emergency medical services expenses relating to the enforcement of driving while under the influence statutes and preventative education materials addressing drunk driving.

In response to Treasurer Pontanilla's query, Vice President Pilago acknowledged that this proposal may have tangible unaccounted administrative costs. However, he requested that the Committee approve this item so that the other three Counties have the opportunity to discuss this proposal.

This item was approved.

VI. NEW BUSINESS

A. Communication from City and County of Honolulu Clerk Bernice K. N. Mau transmitting for the Committee's approval proposals to be included in the 2013 HSAC legislative package, as follows:

1. Resolution 12-179, A Bill for an Act relating to pseudoephedrine.

Secretary Chang explained that this proposal requires a medical prescription when purchasing pseudoephedrine products to halt the use of pseudoephedrine to manufacture illegal drugs. He clarified that pseudoephedrine is currently available as an over-the-counter pharmacy product.

2. Resolution 12-180, A Bill for an Act relating to landowner liability.

Secretary Chang explained that this proposal creates a cause of action against a person who maintains a property nuisance on

residential property to combat property blighting. He stated that property blighting is a significant problem in communities throughout the City and County of Honolulu.

In response to Treasurer Pontanilla's query, Secretary Chang explained that the Honolulu Fire Department will intervene only if a property blight constitutes a fire hazard. However, the feedback from the community indicates that while property blighting has fortunately not resulted in dangerous fire hazards, statutory remedy is still needed to address the property blighting. Treasurer Pontanilla affirmed his support of this proposal.

President Rapozo added that this proposal would have immediate benefit in Kauai County.

3. Resolution 12-181, A Bill for an Act relating to voting.

Secretary Chang explained that this proposal allows individuals to register to vote on the day of an election to boost voter turnout. He apprised the Committee that the state of Hawaii has the lowest voter turnout rate in the nation.

4. Resolution 12-182, a Concurrent Resolution urging the U.S. Department of State, the Department of Homeland Security and the U.S. Attorney General to ease visa restrictions for the People's Republic of China.

Secretary Chang reminded the Committee that an identical proposal was included in the 2012 HSAC legislative package.

5. Resolution 12-183, Resolution/Concurrent Resolution urging the Governor and the Hawaii state legislature to preserve the Counties' share of the transient accommodation tax.

Secretary Chang stated that an identical proposal was included in the 2012 HSAC legislative package.

6. Resolution 12-184, CD1, A Bill for an Act relating to the Hawaii Employer-Union Health Benefits Trust Fund (EUTF) board of trustees.

Secretary Chang reminded the Committee that an identical proposal was included in the 2012 HSAC legislative package. He stated that this proposal provides for County representation on the EUTF board of trustees.

7. Resolution 12-186, A Bill for an Act relating to the Employees' Retirement System (ERS).

Secretary Chang reminded the Committee that an identical proposal was included in the 2012 HSAC legislative package. He stated that this proposal provides for County representation on the ERS board of trustees.

8. Resolution 12-187, A Bill for an Act relating to electronic waste recycling.

Secretary Chang explained that this proposal requires electronic manufacturers to establish an e-waste recycling program. He stated that this proposal is particularly critical because electronics disposed in traditional ways leaches toxic byproducts into the environment.

9. Resolution 12-191, A Bill for an Act relating to traffic infractions.

Secretary Chang explained that this proposal transfers a portion of fines and forfeitures from uncontested traffic infractions to the Counties.

These items were approved.

10. Resolution 12-190 approving HSAC nominees to the Board of the Directors of NACo and WIR.

Secretary Chang requested that this item be addressed by the Committee separately from the Honolulu City Council's proposals to be included in the 2013 HSAC legislative package.

This item was received and filed.

- B. Communication from Kauai County Council Chair Jay Furfaro transmitting for the Committee's approval proposals to be included in the 2013 HSAC legislative package, as follows:

1. A Bill for an Act relating to energy resources.
2. A Bill for an Act relating to affordable housing credits.

President Rapozo informed the Committee that the Kauai Council approved both measures unanimously.

These items were approved.

- C. Communication from Maui Councilmember Elle Cochran requesting the Committee to extend the deadline by which individual Counties may submit proposals to be included in the 2013 HSAC legislative package to October.

Treasurer Pontanilla explained that because of Maui County's Council calendar, Maui Councilmember Cochran was unable to meet HSAC legislative timetable deadlines. He stated that Maui Councilmember Cochran's proposal will be ready for the Committee to consider at its October meeting. He urged the Committee to extend the HSAC legislative timetable deadlines to accommodate Maui Councilmember Cochran's request.

This item was approved.

- D. Communication from Hawaii County Vice Chair K. Angel Pilago transmitting for the Committee's approval proposals to be included in the 2013 HSAC legislative package, as follows:

1. Resolution 296-12, A Bill for an Act relating to food labeling.

Vice President Pilago explained that this proposal requires any food product or raw agricultural commodity that contains genetically engineered material or was produced with genetically engineered material to bear a notification label when sold or distributed in the state of Hawaii.

Ms. Snyder testified in support of this proposal.

This item was approved.

2. Resolution 298-12, a House Concurrent Resolution requesting the state Chief Election Officer and Elections Commission to establish a mechanism to monitor the Counties' readiness to conduct an election and intervene if necessary.

Vice President Pilago informed the Committee that while this proposal was ultimately adopted by the Hawaii County Council, there were dissenting Hawaii Councilmembers who disagreed that the state should intervene in County elections in any circumstance. However, Vice President Pilago stated that the proposal simply requests that the state monitor the Counties' electoral process and set consistent guidelines and standards with state intervention only occurring when absolutely necessary. He opined that the controversy that currently surrounds Hawaii County elections could

have been avoided, if the state had monitored and intervened in Hawaii County's last elections cycle.

This item was approved.

## VII. ANNOUNCEMENTS

### A. Schedule next meeting.

The next Executive Committee meeting was scheduled for October 12, 2012 at Honolulu Hale.

### B. Other Announcements.

Honolulu Councilmember Garcia briefed the Committee about unfunded mandates recently placed upon the County by the state legislature, as follows: 1) Administration of the state identification card program; and 2) Disposal of abandoned boats and boat trailers on streets under County jurisdictions. Honolulu Councilmember Garcia emphasized that the state legislature must work collaboratively with the Counties before foisting unfunded mandates upon the Counties. He proposed the creation of a joint county-state committee composed of County and state elected legislators. He informed the Committee that this concept was at the forefront at the NACo annual conference held in Pittsburgh, Pennsylvania on July 13 – 17, 2012.

President Rapozo, Vice President Pilago and Treasurer Pontanilla expressed their support of Honolulu Councilmember Garcia's statements and concept. President Rapozo added that the PLDC constitutes yet another issue that the state should have collaborated with the Counties prior to enactment in its present form.

There were no other announcements.

## VIII. ADJOURNMENT

The meeting was adjourned at 10:51 a.m.

Very truly yours,



STANLEY CHANG

Secretary

Hawaii State Association of Counties